

FACTSHEET

TITLE: **LETTER OF APPEAL** filed by Brian D. Carstens and Associates on behalf of Heartland Insurance Pool, Inc., appealing the Planning Commission action denying **SPECIAL PERMIT NO. 1896**, requested by Heartland Insurance Pool, Inc., for authority to operate a salvage yard on property located at North 1st Street and Charleston Street, directly west of the City impound lot.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 02/21/01
Administrative Action: 02/21/01

RECOMMENDATION: **Denial** (5-2: Krieser, Carlson, Steward, Taylor, and Schwinn voting 'yes'; Duvall and Bayer voting 'no'; Hunter and Newman absent).

STAFF RECOMMENDATION: Conditional approval

FINDINGS OF FACT:

1. Heartland Insurance Pool, Inc. has requested a special permit for a salvage yard at No. 1st & Charleston Street. The Planning staff recommendation of conditional approval is based on the "Analysis" as set forth on p.10. The proposed conditions of approval are found on p.10-12.
2. Public hearing was held before the Planning Commission on February 21, 2001. The applicant's testimony is found on p.13-14 and 16-17. The applicant requested amendments to the conditions of approval.
3. Testimony in opposition is found on p.15 and the record consists of one letter in opposition (p.33).
4. The Planning Commission discussion is found on p.15-17.
5. On February 21, 2001, the Planning Commission disagreed with the staff recommendation and voted 5-2 to **deny** the special permit (Duvall and Bayer dissenting), finding that this location would have an adverse visual impact upon this entryway corridor to the City; and that the potential relocation of Sun Valley Blvd./Hwy 6 is problematic (See Minutes, p.17).
6. The Final Action Notification is found on p.3, and the proposed Resolution which was **denied** is found on p.4-7.
7. On February 21, 2001, the applicant filed a letter of appeal with the City Clerk (p.2).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: February 26, 2001

REVIEWED BY: _____

DATE: February 26, 2001

REFERENCE NUMBER: FS\CC\FSSP1896



BRIAN D. CARSTENS AND ASSOCIATES
LAND PLANNING RESIDENTIAL & COMMERCIAL DESIGN
2935 Pine Lake Road, Suite H Lincoln, NE 68516 Phone: 402.434.2424

February 21, 2001

Ms. Joan Ross
City Clerk
City of Lincoln
355 South 10th Street
Lincoln, NE 68508

RE: APPEAL OF DENIAL OF SPECIAL PERMIT #1596
HEARTLAND INSURANCE POOL, INC. - SALVAGE YARD
NORTH 13F AND CHARLESTON STREETS

Dear Joan,

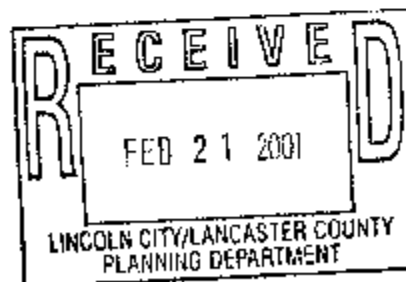
On behalf of Heartland Insurance Pool, Inc., we are appealing the denial of Special Permit #1596 by the Lincoln/Lancaster County Planning Commission on February 21, 2001. Please schedule this item on the Lincoln City Council's agenda as soon as possible.

Please contact me if you have any further questions or comments.

Sincerely,

Brian D. Carstens

cc: Joe Kosiski- Heartland Insurance Pool, Inc.
Mark Hinzeker
Gary Nicholson
Jean Walker- Planning Department



PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Don Wesely
Lincoln City Council

FROM : Jean Walker, Planning

DATE : February 22, 2001

RE : Special Permit No. 1896
(Salvage Yard - No. 1st & Charleston)
Resolution No. PC-00659 – DENIED

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, February 21, 2001:

Motion made by Steward, seconded by Carlson, to DENY Special Permit No. 1896, requested by Brian Carstens and Associates on behalf of Heartland Insurance Pool, Inc., for authority to operate a salvage yard on property located at North 1st Street and Charleston Street. Motion to **deny** carried 5-2: Krieser, Carlson, Steward, Taylor and Schwinn voting 'yes'; Duvall and Bayer voting 'no'; Hunter and Newman absent.

The Planning Commission's action is final action unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission. On February 21, 2001, a Letter of Appeal was filed with the City Clerk by Brian D. Carstens and Associates on behalf of Heartland Insurance Pool, Inc. This appeal is tentatively scheduled for public hearing before the City Council on March 12, 2001.

CCNOTICE/jlw
Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Brian Carstens and Associates, 2935 Pine Lake Road, Suite H, 68516
Mark Hunzeker, Attorney at Law, P.O. Box 95109, 68509
Frank Smith, North Bottoms Neighborhood, 1117 Claremont, 68508
Sheryl Burbach, North Bottoms Neighborhood, 917 Claremont, 68508
George and Carolene Skorohod, 501 South 120th, 68520
Ted Vrana, 3260 Van Dorn, 68502
Mike Grieger, 2645 Van Dorn, 68502

Denied by Planning Commission
February 21, 2001

RESOLUTION NO. PC-00659
SPECIAL PERMIT NO. 1896

WHEREAS, Hartland Insurance Pool, Inc. has submitted an application designated as Special Permit No. 1896 for authority to operate a salvage yard on property located at North 1st Street and Charleston Street, and legally described to wit:

A portion of Lot 263 located in the Northeast Quarter of Section 22, Township 10 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska, and being more particularly described by metes and bounds as follows:

Beginning at the east one-sixteenth corner of the Northeast Quarter of Section 22, Township 10 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska; thence north 00 degrees 17 minutes 16 seconds east (an assumed bearing) a distance of 181.29 feet to the point of beginning; thence north 89 degrees 42 minutes 44 seconds west, a distance of 902.97 feet; thence north 46 degrees 57 minutes 39 seconds west, a distance of 162.05 feet; thence north 00 degrees 19 minutes 51 seconds east, a distance of 890.00 feet; thence south 89 degrees 42 minutes 44 seconds east, for a distance of 1021.29 feet; thence south 00 degrees 17 minutes 16 seconds west, a distance of 1000.00 feet to the point of beginning and containing a calculated area of 1,015,116.19 square feet or 23.30 acres, more or less; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this salvage yard will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County Planning

1 Commission of Lincoln, Nebraska:

2 That the application of Heartland Insurance Pool, Inc., hereinafter referred to as
3 "Permittee", to operate a salvage yard be and the same is hereby granted under the provisions of
4 Section 27.63.500 the Lincoln Municipal Code upon condition that operation of said salvage yard be
5 in strict compliance with said application, the site plan, and the following additional express terms,
6 conditions, and requirements:

7 1. This permit approves the operation of a salvage operation for the storage and
8 sale of non-operating or wrecked vehicles.

9 2. Before receiving building permits or commencing operations:

10 a. The Permittee shall complete the following and submit the documents and
11 plans to the Planning Department for review and approval:

12 i. Correct the N. 1st Street/Sun Valley Boulevard alignment.

13 ii. Identify a 100 foot wide buffer along the eastern edge of the permit
14 area in which no salvage material may be stored outside buildings.

15 iii. Revise the buffer around the wetlands to no less than 30 feet.

16 iv. Add a note to the site plan stating: "Property owner shall be
17 responsible for the maintenance of wetlands areas on the
18 property."

19 v. Add a diagram to the site plan showing the method used to secure
20 vehicles in case of flooding.

21 vi. In Note 4, change "NGVD" to "NAVD."

22 vii. In Note 8, change "non-unsuitable" to "non-suitable" and replace
23 the second sentence with: "If suitable fill material is not found on
24 site, the amount of imported fill material shall equal the amount of

on-site material removed from the flood plain."

viii. Provide a grading and drainage plan that is satisfactory to Public Works.

ix. Identify the auction assembly area and provide parking in accordance with Section 27.67.040(d)(7) of the Lincoln Municipal Code and Design Standards.

x. In Note 2, replace "salvage yard" with "salvage yard for the storage and sale of non-operating or wrecked vehicles."

xi. Revise Note 5 to read: "All vehicles shall be moored by cables and anchorage as shown in the diagram."

xii. Add a note stating: "No salvage material shall be stored outside of buildings within 500 feet of existing Highway 6 R.O.W., nor shall salvage material be stored outside of buildings within 500 feet of future Highway 6 R.O.W. once the Highway 6 realignment is constructed."

xiii. Show layout of salvage yard area with driving aisles and anchoring cable locations.

b. The construction plans must conform to the approved plans.

c. The access easement on the City's driveway has been recorded in the Register of Deeds.

d. The applicant shall receive a 404 permit or a Letter of No Effect from the Army Corps of Engineers.

e. The applicant shall receive a Flood Plain Development permit from building and Safety in compliance with Chapter 27.55 of the Lincoln

Municipal Code.

3. All construction and operation must comply with Chapters 27.55, 5.41, and 8.26 of the Municipal Code and any other applicable codes or requirements.

4. The site plan approved by this permit shall be the basis for all interpretations of
 rds, locations of buildings, location of parking and circulation elements, and similar

5. The terms, conditions, and requirements of this resolution shall be binding and enforceable on the Permittee and the Permittee's successors and assigns. The building official shall have the authority to report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

6. The Permittee shall sign and return the City's letter of acceptance to the City Clerk following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the letter of acceptance proving the special permit and the letter of acceptance with the Register of Deeds, filing to be paid in advance by the Permittee.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning
on this ____ day of _____, 2001.

ATTEST:

**DENIED BY PLANNING COMMISSION
FEBRUARY 21, 2001**

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney

[illegible]

DATE: February 8, 2001

GENERAL INFORMATION:

SPECIFIC INFORMATION:

UTILITIES: Public Works & Utilities notes: “The plan shows connections to the sewer and water mains built by the City to serve the Lincoln Impound Lot. The water main at this location is a 6" water main which is substandard for industrial use. This property is subject to a future assessment or liability for a future water main that meets design standards. The sewer being tapped for service may also need relocation or reconstruction in the future, depending upon platting of local streets and the design of future 1st Street. This development may also be subject to assessment or liability for a future possible sewer construction. The connection to the existing sewer and water mains is satisfactory to provide service under existing conditions. The future costs of reconstruction of driveways and parking and potentially sewer and water due to the substandard connection to the City facilities to the east should be borne by this development rather than by street project.”

TOPOGRAPHY: Generally flat. Public Works & Utilities notes “No grading plan is provided. Regrading and surfacing of the area appears necessary to make the site usable.”

TRAFFIC ANALYSIS: The Comprehensive Plan shows a proposed extension of Highway 6/Sun Valley Boulevard to North 1st Street. Highway 6/Sun Valley Boulevard is shown as a Principal Arterial in the Existing and as a Minor Arterial in the Future Functional Street and Road Classification. Charleston Ave and North 1st Street are shown as Urban Collectors in the Existing and Future Classifications. Public Works notes that the Department of Roads must review the proposed uses within their corridor protection area. Vince Mejer, Purchasing Agent, indicated concern for traffic conflicts between the BMX track and the trucks serving the salvage yard.

PUBLIC SERVICE: The closest fire station is Station No. 3 at Sun Valley Blvd and West O St. The building is in excess of 500' from any fire hydrant.

The plan shows access on the private City access drive to the east. This is satisfactory to Public Works if it is acceptable to the Purchasing Department and Parks Department who occupy the City property served by this driveway. Vince Mejer of Purchasing has indicated that it is generally acceptable. Parks has not yet responded.

REGIONAL ISSUES: Brownfield redevelopment. The January 12, 2001 “Jurisdictional Wetlands Determination and Delineation” report submitted by the applicant notes that solid waste was dumped in the area from the 1920s through the 1950s.

ENVIRONMENTAL CONCERNS: Wetlands protection. The area is in the 100 year floodplain. The Lower Platte South NRD reports that the buffer around existing or constructed wetlands should be at least 25 feet. Nicole Fleck-Tooze, Special Project Manager for Public Works & Utilities reports that the Nebraska Game and Parks Commission has identified a 30-50' buffer as an appropriate width.

AESTHETIC CONSIDERATIONS: Proximity to the new stadium. The area should be screened according to design standards.

ALTERNATIVE USES: Uses which are permitted by right in I-1 Industrial.

ANALYSIS:

1. This is an application for a salvage yard special permit. The applicant states: "Heartland Insurance Pool buys wrecked vehicles that insurance companies have 'totaled' and offers them for sale at their monthly auctions/sales. Vehicles are normally stored no longer than 30-45 days."
8. The LMC defines "Salvage Material" as "dismantled, non-operating or wrecked automobiles, trucks, trailers, equipment, machinery, mobile homes, tractors, or farm machinery, appliances, other vehicles or parts thereof; or scrap materials including iron, steel, and any other metallic materials except recyclables..." The notes should specify that this permit allows only vehicle storage.
9. Per 27.63.500(d), salvage material kept outside a building shall not be located closer than 500 feet from an entrance corridor, except where existing land forms completely obstruct the view by the traveling public of the salvage material. The site is located more than 500 feet from an existing entrance corridor, however the future alignment of the Highway 6/Sun Valley Blvd. entrance corridor is within 500 feet of the site. The outdoor storage prohibition should apply to the new alignment of Highway 6 once it is in place.
10. Per 27.63.500(f), salvage material kept outside a building shall be located at least 100 feet from the boundaries of the I-1 zoning district. The eastern boundary of the special permit area abuts the P Public Use zoned City Impound lot.
11. The Nebraska Department of Roads has filed corridor protection over a portion of this property. Per state statute, the corridor protection applies to structures. The Department of Roads reviewed the proposal and has no comment; there are no structures within the corridor protection.
12. The Sun Valley Boulevard alignment and Nebraska Dept. of Roads corridor protection shown in Comp Plan Amendment 94-43 differ from what is shown on this application's site plan.
13. Adequate off-street parking must be provided for the auction activities.
14. The Building and Safety Department will require a Section 404 Permit from the US Army Corps of Engineers or a Letter of No Effect prior to authorizing any development activity.

STAFF RECOMMENDATION:

Conditional approval

CONDITIONS:

Site Specific:

1. This approval permits a salvage yard for the storage and sale of non-operating or wrecked vehicles.

General:

2. Before commencing operations or receiving building permits:

- 2.1 The permittee shall have submitted five copies of a revised final plan showing the following revisions and the plans are acceptable:
- 2.1.1 Correct the N. 1st Street/Sun Valley Boulevard alignment.
 - 2.1.2 Identify a 100' wide buffer along the eastern edge of the permit area in which no salvage material may be stored outside buildings.
 - 2.1.3 Revise the buffer around the wetlands to no less than 30'.
 - 2.1.4 Add a note to the site plan stating: "Property owner shall be responsible for the maintenance of wetlands areas on the property."
 - 2.1.5 Add a diagram to the site plan showing the method used to secure vehicles in case of flooding.
 - 2.1.6 In Note 4, change "NGVD" to "NAVD".
 - 2.1.7 In Note 8, change "non-unsuitable" to "non-suitable" and replace the second sentence with: "If suitable fill material is not found on site, the amount of imported fill material shall equal the amount of on-site material removed from the flood plain."
 - 2.1.8 Provide a grading and drainage plan that is satisfactory to Public Works.
 - 2.1.9 Identify the auction assembly area and provide parking in accordance with 27.67.040(d)(7) and Design Standards.
 - 2.1.10 In Note 2, replace "salvage yard" with "salvage yard for the storage and sale of non-operating or wrecked vehicles".
 - 2.1.11 Revise Note 5 to read "All vehicles shall be moored by cables and anchorage as shown in the diagram."
 - 2.1.12 Add a note stating: "No salvage material shall be stored outside of buildings within 500 feet of existing Highway 6 R.O.W., nor shall salvage material be stored outside of buildings within 500 feet of future Highway 6 R.O.W. once the Highway 6 realignment is constructed."
 - 2.1.13 Show layout of salvage yard area with driving aisles and anchoring cable locations.
- 2.2 The construction plans shall comply with the approved plans.
- 2.3 The access easement on the City's driveway has been recorded in the Register of Deeds.

- 2.4 The applicant shall receive a 404 Permit or a Letter of No Effect from the Army Corps of Engineers.
- 2.5 The applicant shall receive a Flood Plain Development Permit from Building and Safety in compliance with Chapter 27.55 of the Lincoln Municipal Code.

STANDARD CONDITIONS:

- 3. The following conditions are applicable to all requests:
 - 3.1 All construction and operation shall comply with Chapters 27.55, 5.41 and 8.26 of the Lincoln Municipal Code and any other applicable codes or requirements.
 - 3.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.4 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Jason Reynolds
Planner

SPECIAL PERMIT NO. 1896

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 21, 2001

Members present: Krieser, Duvall, Carlson, Steward, Taylor, Schwinn and Bayer; Hunter and Newman absent.

Planning staff recommendation: Conditional approval.

Proponents

1. **Mark Hunzeker** appeared on behalf of the applicant, **Heartland Insurance Pool, Inc.** This is an application for a "salvage yard" only because the nature of the business defines it as such. This is not a business which removes parts from vehicles or sells used parts of vehicles, or does any of the other things associated with a salvage yard. This is a business which accepts consigned vehicles from insurance companies for sale. Essentially, this is an auto auction business dealing with vehicles which have either been wrecked, flooded or stolen and recovered by insurance companies. These vehicles are placed at auction for people who will eventually part them out or rebuild or restore them to operating condition. It is not a salvage yard in the sense that they are gathering vehicles for the purpose of removing and selling individual parts. It is a true auction situation. The vehicles will be stored on this site for as much as 30-60 days, with periodic auctions where people will come to the site, bid on the vehicles and remove them the day of the auction.

Hunzeker clarified that the proposed location is immediately abutting the west boundary of the City's impound lot, so it is in the area west of Sun Valley Blvd. and west of the City's new impound lot.

With regard to the conditions of approval, Hunzeker referred to Condition #2.1.2, which requires that the applicant identify a 100' wide buffer along the eastern edge of the permit area in which no salvage material may be stored outside buildings. That is the area immediately abutting the city's impound lot. He knows of no reason they should need to identify a 100' setback from the city's impound lot where they could not store vehicles. Hunzeker requested that Condition #2.1.2 be deleted.

Hunzeker submitted that Condition #2.1.12 imposes a fairly onerous and unfair burden on this site. The applicant identified on the application what they believe is the accurate future alignment of Sun Valley Blvd. Sun Valley Blvd. happens to be US Hwy 6. Under the existing regulations there is a requirement that salvage yards be set back 500' from various locations within the City, all identified as being within a fairly close proximity of entry corridor highways. U.S. 6 is going to be rebuilt, and the reason it is going to be moved to run along the east side of this property is that it reduces the cost of doing so to avoid construction of some bridges. The proposed relocation of Sun Valley Blvd. at this time, subject to change, was shown by Hunzeker on the map. They have identified the corridor as 300' on either side by the Dept. of Roads, but if this applicant is required to impose a 500' setback from the future alignment of Sun Valley Blvd., it destroys 1/3 of the site. They should be able to comply with the existing regulations, which would allow them to locate "in this area" and next to the existing city impound lot. At such time as the city or state, or both, determine to relocate Sun Valley Blvd., they will do so knowing what is already there and it will not completely destroy the proposed use by requiring this condition.

Hunzeker observed that to the extent there are wetlands on the site, they are on the western portion of the site. They have not proposed to immediately utilize that portion of the site and hope not to have to use that portion of the site.

Hunzeker submitted that this proposed use is compatible with the existing city impound lot. He requested that Condition #2.1.12 be deleted.

Hunzeker also requested that Condition #2.1.1 which talks about correcting the Sun Valley Blvd. alignment, be deleted because the information which the applicant used is more current than that which was used to prepare the staff report.

Steward asked Hunzeker to explain the compelling advantages for this location. Hunzeker's response was that one of the most compelling advantages is that a large number of the vehicles which eventually will be sold on this site will be moved from the city impound lot to this property. Vehicles involved in accidents are often towed to the city impound lot where they are then evaluated by insurance adjusters, etc. As soon as the insurance company takes title, the vehicles are taken to the auction site. Proximity to the impound lot is a great advantage. It prevents a lot of vehicles, i.e. tow trucks moving disabled or otherwise insurance company owned vehicles, from traveling the streets of Lincoln. It is also advantageous since this is an area that is in the floodplain. To the extent we have concerns about fill and utilizing areas in the floodplain, this proposal represents an almost nil increase in the amount of fill. The only area proposed for fill is the area for the small building which will operate as a headquarters on a 24-acre site. This applicant will use the same sort of anchoring mechanism that the impound lot has used to make sure nothing floats away in the event of a 100-yr. storm. The property is zoned industrial. Removal of fill from this area is problematic and digging footings, etc. may be a problem in that this is an old city landfill. Using a site like this in this fashion has a lot of advantages. This is a use that is absolutely necessary.

With regard to the realignment of Sun Valley Blvd., Duvall wondered whether it is known where the City impound lot would be moved. Hunzeker was not certain. He suggested that the Purchasing Agent would know. However, Hunzeker would guess that it will probably be located to the south of this property. Duvall asked whether this applicant assumes that it would still border the impound lot. Hunzeker stated that it is assumed that the impound lot will try to stay close to where it is located now.

If this permit is granted, Steward pondered what there is to keep this owner or someone else with similar automotive business relationships from turning this into a more undesirable salvage yard operation. Hunzeker believes the Condition #2.1.10 takes care of this concern. It is to be noted on the plan that it is a "salvage yard for the storage and sale of non-operating or wrecked vehicles". This at least infers that they will not disassemble and sell parts.

Carlson inquired about the fencing. Hunzeker stated that there will be a solid metal permanent fence, 6' in height. Since they are not stacking vehicles, this should be adequate.

Bayer inquired about the protection corridor map. Hunzeker clarified that the 300' r.o.w. on both sides is a distance on either side of a line that the Department of Roads has defined as a protection corridor which prevents building permits within that area. The applicant has revised its plan to move the building outside of that 300'. Vehicles could park in that area, but they could not get a building permit to construct a building in that area. Bayer inquired whether the city has to follow the same standard as a private citizen with regard to building within that 300'. Hunzeker would guess probably not. Hunzeker believes the impound lot building might possibly stay where it is now. It all depends on the location of the right-of-way for the new alignment of Sun Valley Blvd.

Bayer understands the desire to not have the 100' buffer on the eastern edge with the rationale being the city impound lot. But he is less comfortable if the city impound lot moves. Hunzeker reiterated that it will all be fenced. Hunzeker believes the 100' is generally a requirement which applies to a residential zoning district. Bayer has an entryway corridor concept going on in his mind.

Opposition

1. Ted Vrana, attorney and retired Judge, appeared on behalf of **Ace Financial Services** in opposition. Ace Financial has a contract pending with an organization that plans to build a large, extensive student housing

complex in the area with an expenditure of approximately 12 million dollars. If this permit is granted, it will be an eyesore and it will inhibit further development of the area. It might even affect the baseball stadium visitors. The property to which Vrana refers is the Dr. White property immediately west of the proposal.

2. Mike Grieger, 2645 Van Dorn Street, testified in opposition. He is outraged. Hunzeker has represented Ace Financial in the past in order to bring the 12 million dollar project to Nebraska. The soil is contaminated and the salt water is contaminated, so Ace Financial is trying to clean this land up to bring student housing and improvement to the property. The baseball field is right there, representing 32 million dollars of the city's money; the football stadium is there with a beautiful sky line. Do we want to see the glare of junked cars and cracked windshields? Ace Financial has money in escrow; they are trying to meet the requirements to clean this land up for upscale student housing. This proposal is at the front door of the baseball stadium.

There are 33 acres between this proposed site and the race track. The methane gas field is in the area of this application. The route to get to the housing would be 1st & Charleston. Taylor confirmed with Grieger that the proposed salvage yard will be between the stadium and the proposed housing area. Grieger concurred.

Carlson asked whether Grieger had the same objection to the city impound lot. Grieger's response was, "yes, we did, but we had no control over it." Grieger is opposed to having more of what's there and the city is going to have to move some of it anyway. In order for the city to maintain their schedule to build the baseball park, they slammed the impound lot in there, even though the City was given the opportunity to purchase some of the White property.

Grieger further advised that Environmental Associates has done the study on the soil contamination. We do not need any more contamination with the wrecked cars leaking, etc. They are junk cars.

Staff questions

Schwinn inquired about the Sun Valley Blvd. realignment. Jason Reynolds of Planning staff advised that he did not find it in the one and six-year CIP. It is not programmed at this time, but it is in the 1-25 year plan.

Bayer expressed his frustration that the standards are always different for governmental entities than private entities. Would staff impose the same 500' right-of-way condition with no salvage material or buildings for the city impound lot? Reynolds explained that the impound lot is located on P zoning, which does not require a special permit. The ordinance provides that salvage material outside a building shall be 500' from one of the corridors identified, Hwy 6. It also provides that salvage material kept outside a building must be 100' from the boundaries of the I-1 zoning district. That condition can be waived by City Council but cannot be deleted by Planning Commission. In other words, Bayer suggested that we don't impose the same standards on governmental entities. Reynolds reiterated that P public use zoning does not have the specific requirements. The City Council may decrease the setback requirement if they find sufficient justification; however, the applicant did not request that modification at the time of application.

Carlson wanted to know the intention behind the footages that staff is recommending. Reynolds read from the ordinance, which appears to indicate that these setbacks relate to entrance corridors to the City, and Hwy 6 is one such corridor.

Bayer asked the Law Department whether the Commission has authority to delete Condition #2.1.12. Rick Peo of the City Law Department advised that the 500' within the present existing corridor cannot be waived. The future alignment is an add-on. The city is desiring to preserve the corridor if the road should change, but it is not in the mandatory list. The existing corridor has to be 500' and it is non-waivable.

Bayer asked whether the Commission can delete Condition #2.1.2, the 100' buffer along the eastern edge of the permit area. Peo believes that is the mandatory provision that Council reserved the right to modify by waiver. That would not be Planning Commission authority. The applicant did not request this waiver.

The City Purchasing Department has responsibility for the impound lot. Steward wanted to know whether the city knew of the possibility of this highway alignment when the permit for the impound lot was proposed. Dennis Bartels, Public Works, believes the Comprehensive Plan had identified a new Sun Valley/1st Street alignment in some manner in the future road network. Bartels advised that the realignment is a State project and is not a city project. He does not believe there will be any city funding in the project. That wide corridor was not in existence when the baseball project went through. Bartels remembers the discussion at the time was that the impound lot building could remain. At that point in time, our potential routes were west of that building, but the fenced area where they store the cars might have to be realigned.

Steward inquired about the floodplain boundaries in this general vicinity including the property to the west that has been discussed for student housing. Bartels stated that the entire piece of property is in the floodplain. There may be isolated islands, but generally the whole area is in the floodplain.

Response by the Applicant

Hunzeker does not believe he said, and he did not intend to say, that all the vehicles from the impound lot will go to this location, but there is a substantial volume of the vehicles brought to the auto auction that come from the impound lot. It is an advantage for this type of operation to be located close to the city's impound lot.

With respect to Condition #2.1.12, Hunzeker believes he heard Peo say that it is not possible to waive that condition as to the existing Sun Valley Blvd. From that perspective, Hunzeker suggested that it is not necessary to say that you have to be set back 500'.

With regard to the 100' setback in Condition #2.1.2, Hunzeker purports that it is a setback that is intended to be from the edge of the I-1 zoning district boundary. That restriction was not intended to require a setback from a public use impound lot; however, he has talked with Law and because it was not published as a specific waiver, the Planning Commission probably cannot do anything about Condition #2.1.2, even in the way of a recommendation to the City Council. However, since they can park in that area, they can adjust the operation to accommodate that 100' setback and use it for customer parking and for transport vehicles awaiting delivery.

With respect to Grieger's comments, Hunzeker acknowledged that he represented Mr. Grieger's partner and a buyer who intended to do student housing on a portion of the property to the west in the past; however, the client he represented is no longer interested in the site. Hunzeker is not sure what the elevations are but he believes most of the land, particularly to the west, is several feet below flood elevation and would require substantial manipulation of the site. He understands that there is another entity interested in potentially developing student housing.

Hunzeker submitted that the proposed site for the salvage operation is a very difficult site to utilize for any purpose that involves penetrating the cap on the old city landfill which lies beneath the surface. It may cause some interesting construction problems with the relocation of Hwy 6, but he understands that the city's impound lot is intended to stay there. In fact, the posts required to tie down the impounded vehicles are made of wood on the area to the east side of the impound lot because there was no point in wasting the money to put concrete in the area they knew would be lost when Hwy 6 is relocated. The city knew they would have to alter the operation when Hwy 6 was relocated.

Hunzeker believes this is a good use for this site and it is not only necessary, but socially beneficial, and one that is hard to locate almost anywhere.

Carlson sought clarification of the type of vehicles that will be located at the salvage yard site. Hunzeker stated that it will be vehicles which are stolen, flooded, or primarily wrecked, which have been appraised by insurance adjusters with a value being less than cost of repair. The total loss is paid to the owner in exchange for assignment of title; at that point the vehicle is consigned to this operation for the purpose of auctioning off the remains of the vehicle, or the entire vehicle in case of theft. It would be primarily wrecked vehicles, but there would be no parts removed, etc.—no disassembly and no storage. The vehicles will be parked in orderly rows to be inspected and would be moved prior to auction to an area where it is convenient to have the auction and load them on transport vehicles—then they go away. The vehicles might be there 30-60 days. There will be no long term storage, but there will from time to time be a fairly substantial number of wrecked vehicles on the site.

Bayer would guess that not every car gets bought. Then what happens to the vehicles? The owner of Heartland Insurance Pool, Inc. stated that every car will sell at every sale. One way or another there will be a salvage yard that will buy it. He advised that Heartland only sells to licensed dealers or businesses—the auctions are not for the general public. The business is currently located at 21st & Yolande and has been there for about 4-5 years. The insurance business is getting bigger and they do not have enough property to store the cars at the current location. They also need off-street parking for the auctions.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 21, 2001

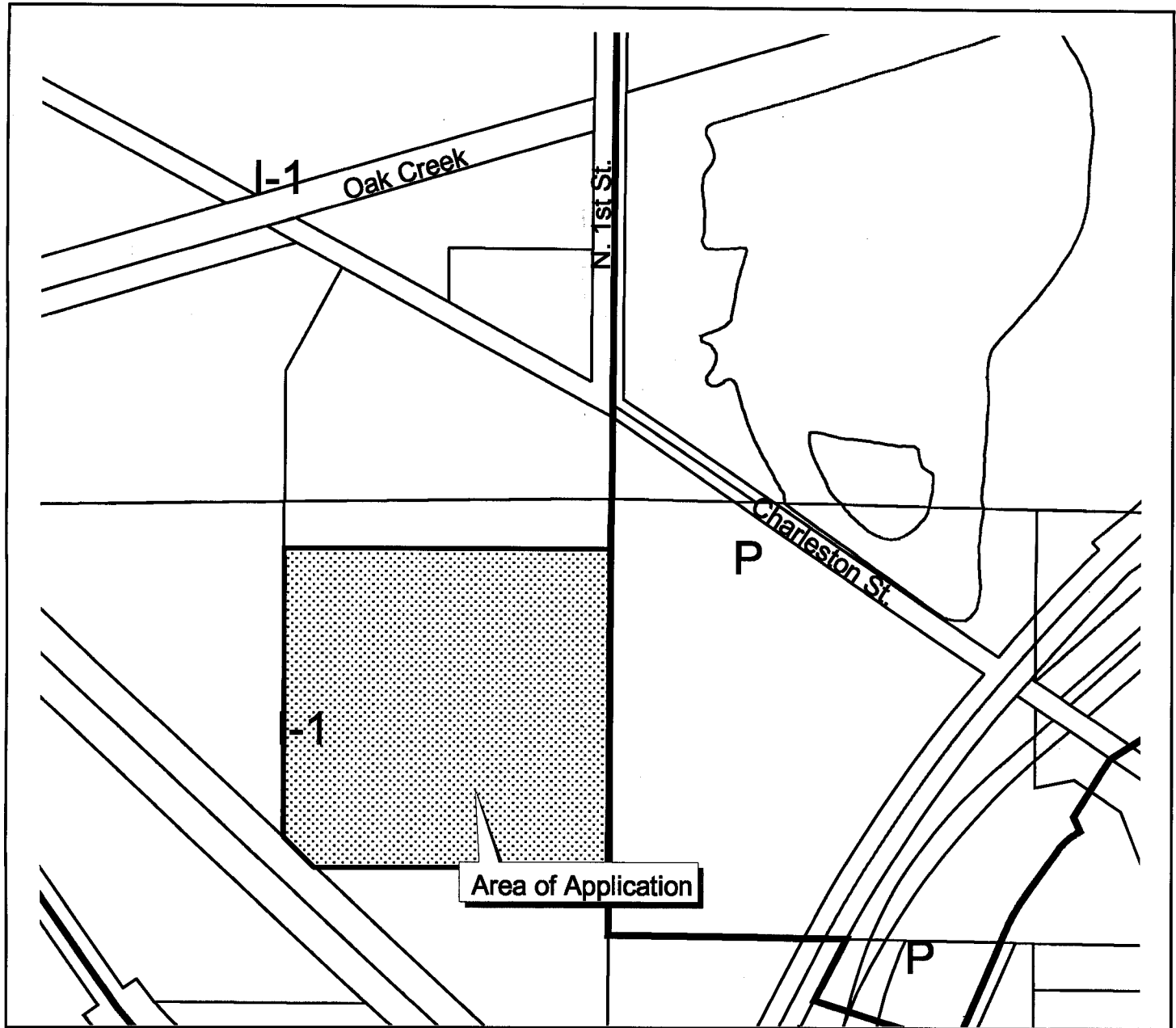
Steward moved to deny, seconded by Carlson.

Steward believes that “one bad decision doesn’t deserve a second bad decision.” He was opposed to the city impound lot at this location when it happened; it now seems that we did not get the full information that was available at that time; the potential relocation of this roadway makes both operations problematic; a 6' fence will not matter because travelers going up and over the overpass on I-180 will look right down into this area. It is a part of the entryway visual corridor. He also believes that when the baseball stadium was proposed, the way the road work cuts this up and the way the floodplain affects this site, that a recreational activity was about the only legitimate use that should be in there to begin with. Steward would not be any more in favor of any other use, but it certainly is going to be a visual eyesore in this particular location where you are trying to draw foot traffic from the Haymarket into this area. This is a really, really bad decision if it is approved.

Carlson stated that he is very sympathetic to a local business wanting to expand, but he was also uncomfortable with the siting of the impound lot.

Motion to deny carried 5-2: Krieser, Carlson, Steward. Taylor and Schwinn voting 'yes'; Bayer and Duvall voting 'no'; Hunter and Newman absent.

Note: This is final action by the Planning Commission, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by Planning Commission.

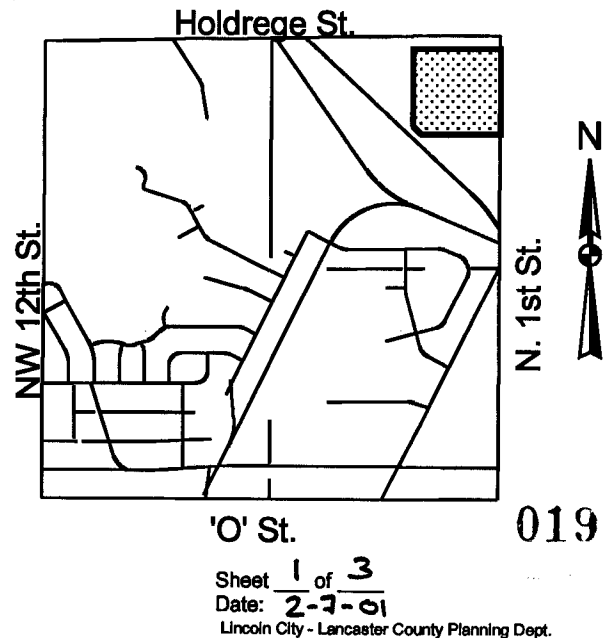
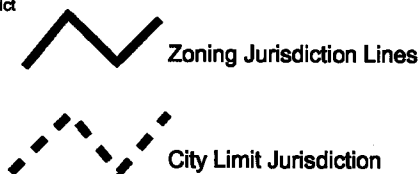


Special Permit #1896 N. 1st St. & Charleston St.

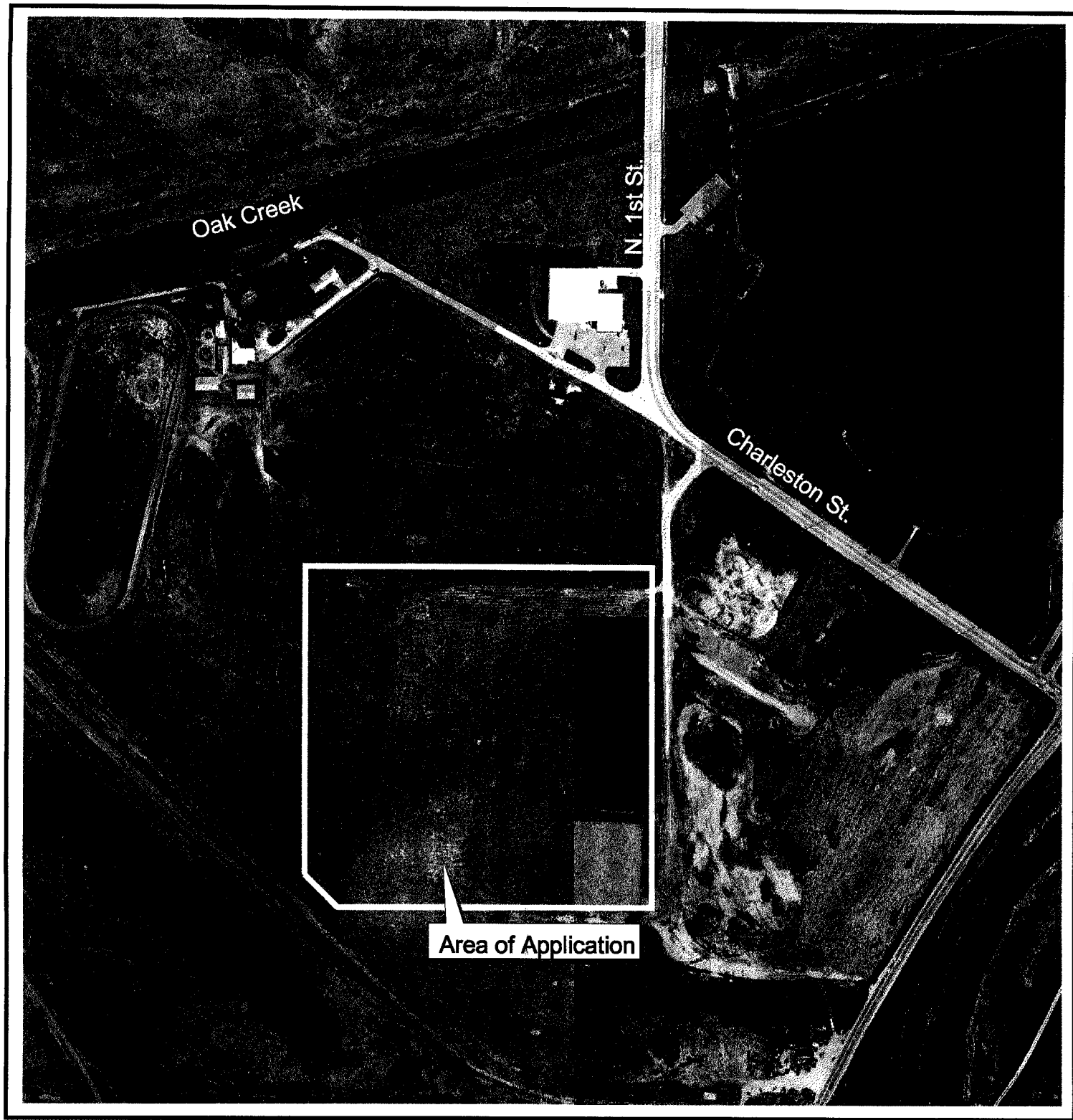
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 22 T10N R6E



Sheet 1 of 3
Date: 2-7-01
Lincoln City - Lancaster County Planning Dept.



Special Permit #1896
N. 1st St. & Charleston St.



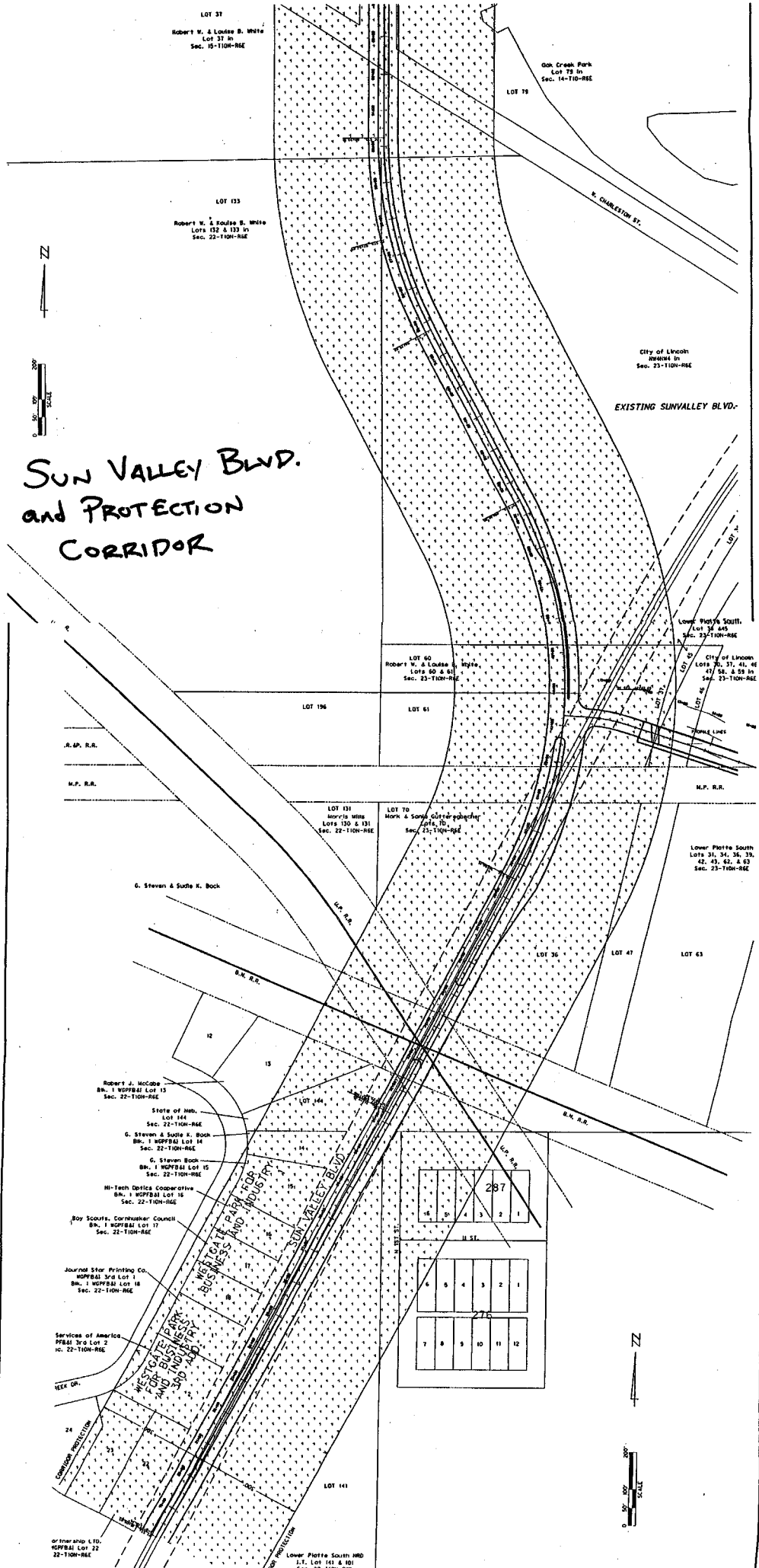
Sheet 2 of 3

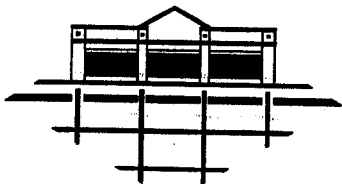
Date: 2-7-01

Photograph Date: 1997

020

SUN VALLEY BLVD. and PROTECTION CORRIDOR





BRIAN D. CARSTENS AND ASSOCIATES
LAND PLANNING RESIDENTIAL & COMMERCIAL DESIGN
2935 Pine Lake Road, Suite H Lincoln, NE 68516 Phone: 402.434.2424

December 28, 2000

Ms. Kathleen A. Sellman, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: SPECIAL PERMIT FOR A SALVAGE YARD
NORTH 1ST AND CHARLESTON STREETS

Dear Kathleen,

On behalf of Heartland Insurance Pool, Inc., we submit the following special permit for a salvage yard as per Section 27.63.510 of the Lincoln Municipal Code. This special permit is located at the southwest corner of North 1st and Charleston Streets, immediately west of the new City of Lincoln Impound Lot. the special permit covers an approximately 23.91 acres. It will be a phased project, with phase 1 encompassing 12.08 acres, and the balance for future expansion in phase 2.

Heartland Insurance Pool, buys wrecked vehicles that insurance companies have 'totaled' and offers them for sale at their monthly auctions/ sales. Vehicles are normally stored for no longer than 30-45 days.

The site is located within the 100 year flood plain. We will be elevating the office/ shop building approximately 3 feet to set it's finished floor elevation at one foot above the base flood elevation. We will fill the area around the building with material that is currently on site. However, if suitable fill material is not found on site, we will haul in new material and remove an equal amount of soil and remove it from the flood plain.

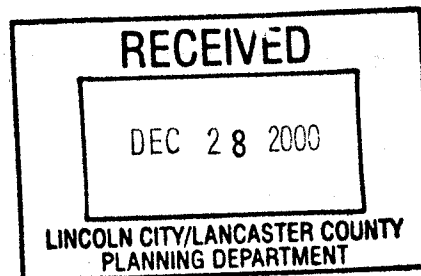
We are proposing to 'moor' the vehicles in the same manor as the City of Lincoln is using next door at the impound lot. The salvage areas will be screened with a 6 foot high opaque wooden fence, similar to the City of Lincoln Impound Lot.

We are not requesting any waivers at this time. Please contact me if you have any further questions or comments.

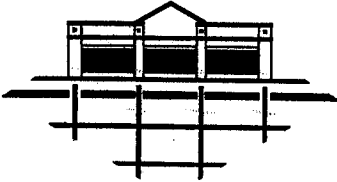
Sincerely,

Brian D. Carstens

cc. Joe Kosiski- Heartland Insurance Pool, Inc.
MarkHunzeker



ENCLOSURES: 16 copies of Sheet 1 of 1, Application for a Special Permit, Application Fee of \$585.00, Certificate of Ownership.



BRIAN D. CARSTENS AND ASSOCIATES
LAND PLANNING RESIDENTIAL & COMMERCIAL DESIGN
2935 Pine Lake Road, Suite H Lincoln, NE 68516 Phone: 402.434.2424

January 25, 2001

Ms. Kathleen A. Sellman, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: SPECIAL PERMIT FOR A SALVAGE YARD
NORTH 1ST AND CHARLESTON STREETS

Dear Kathleen,

On behalf of Heartland Insurance Pool, Inc., we are resubmitting the special permit for a salvage yard. We have met with the Nebraska Department of Roads and have now shown the 300-foot wide protection corridor for the future realignment of Sun Valley Boulevard. We have revised the location of the proposed building and building envelope to be located outside of the 300 wide protection corridor.

We have spoke with Vince Major of the City of Lincoln Purchasing and they have agreed to allow us to tie water and sanitary sewer off of their mains they have brought onto the City Impound yard. We have also shown our drive connecting off of the City of Lincoln Impound drive, due to the fact that in a near future this area will all be reconfigured with the relocation of Sun Valley Boulevard. Heartland Insurance Pool, Inc. has agreed to enter into negotiations and agreements with the City of Lincoln on compensation and maintenance of the water, sewer and roadway.

We have enclosed two copies of the Wetlands Determination that was preformed for the existing owner of the property.

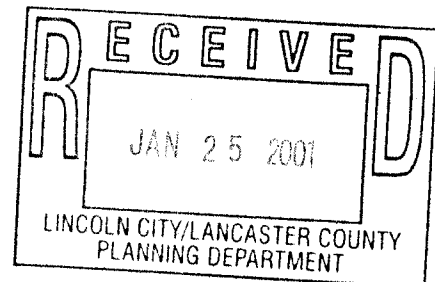
Please contact me if you have any further questions or comments.

Sincerely,

Brian D. Carstens

cc. Joe Kosiski- Heartland Insurance Pool, Inc.
Mark Hunzeker
Gary Nichelson

ENCLOSURES: 16 copies of Sheet 1 of 1
Wetlands Determination



Dale L Stertz

02/08/2001 01:29 PM

To: Jason W Reynolds/Notes@Notes

cc: Michael Merwick/Notes@Notes, Chuck A Zimmerman/Notes@Notes

Subject: Heartland Insurance Pool, Special Permit

This Department offers the following comments regarding floodplain issues only:

1. 404 permit required as part of this approval.
2. Remove last comment of item #5.
3. Provide documentation as to how the storage of this type of material will comply with L.M.C. Section 27.55.030 (7).
4. Provide engineering to comply with item #5 of notes and L.M.C. Section 27.55.030 (8).
5. Show layout of salvage yard area with driving aisle and anchoring cable locations.
6. A floodplain development permit is required before any work can be allowed to start.



Nicole Tooze

To: Jason W Reynolds/Notes@Notes

02/07/2001 04:45 PM

CC:

Subject: Heartland Insurance Pool Comments

1. This application should show the same amount of detail regarding the anchoring plan that was included in the application for the adjacent City Tow Lot. Anchoring may be more or less practical depending on if the permit requested is exclusively for vehicle salvage. All methods for meeting the floodplain requirements relative to the type of salvage should be demonstrated to the satisfaction of the Building and Safety Dept..
2. Notation #4 on the site plan refers to "NGVD 88." This should be corrected to read "NAVD 88."
3. It would be desirable to have a greater buffer between the salvage yard and the adjacent wetlands. In the past, the Nebraska Game and Parks Commission has identified a 30-50' buffer as an appropriate width. An adequate buffer seems particularly important adjacent to a salvage yard.
4. The wetlands are on the exterior of the opaque fence used to screen the salvage yard. This is appropriate, but a notation should be added to clearly indicate that the property owner will still be responsible for maintaining the wetland areas.

M.Woolman

From: "M.Woolman" <lpd737@cjis.ci.lincoln.ne>
To: <RHILL@CI.LINCOLN.NE.US>; — *Jason*
Sent: Thursday, February 01, 2001 2:43 PM
Subject: HEARTLAND INSURANCE POOL SP#1896
Ray,

The Lincoln Police Department has no objections to the revised plans for Heartland Insurance Pool (SP #1896).

Jason Reynolds is the Project Planner.

Michael S. Woolman
Planning Sergeant
Lincoln Police Department
441-7215



Vince M Mejer

02/07/2001 09:30
AM

To: Jason W Reynolds/Notes@Notes
cc: Donald R Herz/Notes
Subject: Special Permit Insurance Pool vehicle storage lot

I have reviewed the drawings supplied by Brian Carstens for the above mentioned lot. I also spoke with Mr. Carstens concerning tying into the water lines, sewer and joint use of the road leading into the City's impound lot. What I told him was that he would need to contact the proper department and get the permits required and to re-imburse the City for part of the cost of bringing water and sewer to the area.

As for as the drive way I do not have any problems other than what I will list below. We did agree if we share the drive then his client would share in the cost of maintaining it. Other thoughts or concerns I have are:

1. We will be creating a dangerous condition at the drive because of the BMX tract and the types of trucks and increased traffic utilizing said drive. Insurance pools normally have trucks which carry ten vehicles at a time. These are not small trucks. How often these trucks are utilize and when will be used is of concern. It is my understanding that they are used on weekends when the sales take place which also is when BMX races are taking place.

Signage will be a big problem for them and the City. Based on our experience out there, I am sure it will confuse our customers, but I think we can live with it.

Also, it is my understanding that they will hold auctions (much like we do) once a month which will bring 100-150 customers yet their parking lot only shows room for 6 cars?

Concerned when SunValley is relocated are they willing to chip in to move the drive way?

It appears to me that we have a very popular site; It is our snow dump, excess materials site for streets, impound lot, BMX and now an insurance pool. All uses except the BMX track appear to compliment each other.

During our hearings for the impound lot it was my understanding that methane gas and wetlands issues were more on that property than the City's.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Jason Reynolds	DATE: 2/6/2001
DEPARTMENT: Planning	FROM: Chris Schroeder
ATTENTION:	DEPARTMENT: Health
CARBONS TO: Leon F. Vinci, MPH EH File EH Administration	SUBJECT: Heartland Insurance Pool SP #1896

The proposed wetland setback planted with native mix is an excellent concept. The applicant is advised to contact Dennis Schroeder, with the Natural Resources Conservation (NRC) Service, at 423-9683 for information on funding and design of effective buffer strips adjacent to wetlands.

Date Printed: Friday, January 05, 2001

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # DRF01002

Address

Job Description: HEARTLAND INSURANCE

Location: HEARTLAND INSURANCE

Special Permit: Y 1896

Preliminary Plat: N

Use Permit: N

CUP/PUD: N

Requested By: TBA

Status of Review: Approved

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

RECEIVED

JAN 30 2001

030

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

LOWER PLATTE SOUTH
NATURAL RESOURCES DISTRICT



3125 Portia St., Box 83581, Lincoln NE 68501-3581
(402) 476-2729 • FAX (402) 476-6454
www.lpsnrd.org

February 2, 2001

Jason Reynolds
Planning Dept.
City of Lincoln/ Lancaster County
555 S. 10th St. #213
Lincoln, NE 68508

RE: Heartland Insurance Pool, Inc. SP# 1896

Dear Jason:

This letter is regarding the Site Plan for Heartland Insurance Pool, Inc., which is proposing a salvage yard at the location of North 1st and Charleston Streets.

The pre-existing wetland areas located on the property are fragile ecosystems. The proposed buffer zone around these wetlands seems marginal in some areas. Ideally, a buffer zone around existing or constructed wetlands should be at least 25 feet.

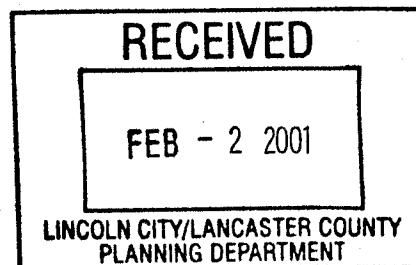
When installing perimeter property fences, please use care in disturbing these wetland areas as little as possible.

Sincerely,

JB Dixon
Stormwater Specialist

JBD/jb

pc: File



031

M e m o r a n d u m

To: Jason Reynolds - Planning Department
From: Dennis Bartels - Public Works & Utilities
Subject: Heartland Insurance Pool Special Permit #1896
Date: February 8, 2001
cc: Roger Figard, Nicolc Fleck-Tooze, Virendra Singh

Public Works has reviewed the proposed Heartland Insurance Pool Special Permit located south of Charleston, west of Sun Valley Boulevard and has the following comments:

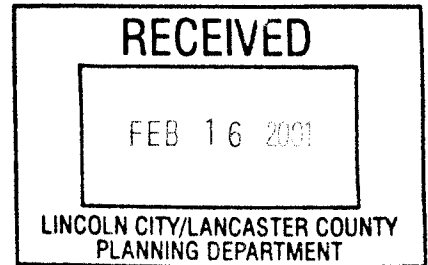
1. The plan shows connections to the sewer and water mains built by the City to serve the Lincoln Impound Lot. The water main at this location is a 6" water main which is substandard for industrial use. This property is subject to a future assessment or liability for a future water main that meets design standards. The sewer being tapped for service may also need relocation or reconstruction in the future, depending upon platting of local streets and the design of future 1st Street. This development may also be subject to assessment or liability for a future public sewer construction.

The connection to the existing sewer and water mains is satisfactory to provide service under existing conditions.

Fire protection should be reviewed by the Fire Department. The building is in excess of 500' from any fire hydrant.

2. The Sun Valley Boulevard, State of Nebraska Department of Roads corridor protection area is shown. The plan shows uses within that corridor although the building is moved. This plan must be reviewed and be acceptable to the Department of Roads.
3. The plan shows access on the private City access drive to the west. This is satisfactory to Public Works if it is acceptable to the Purchasing Department and Parks Department who use the City property using this driveway.
4. The future costs of reconstruction of driveways and parking and potentially sewer and water due to the substandard connection to the City facilities to the east should be borne by this development rather than by the street project.
5. No grading plan is provided. Regrading and surfacing of the area appears necessary to make the site usable.

501 South 120th Street
Lincoln, NE 68520
February 15, 2001



Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Application of Special Permit No. 1896

To Members of the Lincoln-Lancaster County Planning Dept.:

We are property owners of a 30,000 sq. ft. commercial building at 1st and Charleston, and we are opposed to granting a Special Permit to Heartland Insurance Pool, Inc., to establish a salvage yard on property located in the near area of 1st and Charleston.

The City has been attempting to clean up the area to make this area the "Gateway to the City." With the fruition of a multi-million dollar ball park and the presence of a scenic view of Oak Lake and all the possible enjoyment people derive from such an area, a salvage yard should not even be considered being established in that vicinity.

Also, we do not wish to see property values diminish in the area as a result of a salvage operation.

We realize that the owners of the salvage yard would attempt to make this a clean and well-operated business. The fact is, this business will always be a "junk yard" containing wrecked or impounded vehicles with the impending problems associated with the same.

Please do not grant this Special Permit No. 1896.

Sincerely,

Handwritten signatures of George and Carolene Skorohod. The signature of George is on top, and Carolene's is below it. Both are in cursive script.
George and Carolene Skorohod

cc Annette McRoy, Lincoln City Council